

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W. R. GRACE & CO., et al.,)	Case No. 01-01139 (JKF)
)	
Debtors.)	(Jointly Administered)
)	
)	
)	Re: Docket No. 11787
)	
_____)	

**MOTION TO SHORTEN NOTICE AND SCHEDULE EXPEDITED
TELEPHONIC HEARING REGARDING DISCOVERY DISPUTE**

The Official Committee of Property Damage Claimants (the "PD Committee"), by and through its undersigned counsel, respectfully moves this Court, pursuant to Del. Bankr. LR 9006-1(e), Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Section 102 of Title 11 of the United States Code (the "Bankruptcy Code"), for an Order shortening the notice period (the "Motion") with respect to the *The Official Committee Of Asbestos Property Damage Claimants' Motion To Compel and Supporting Memorandum of Law* (the "Motion to Compel"), filed and served on February 14, 2006 [Docket No. 11787] and for leave from this Court's *Amended Order Scheduling Omnibus Hearing Dates for 2006* (the "Scheduling Order"), dated January 17, 2006, so that the Motion to Compel may be heard telephonically (as soon as possible) in the above-referenced bankruptcy cases.

Bankruptcy Rule 9006(c) provides that when an act is required to be done within a specified time by the Bankruptcy Rules "the court for cause shown may in its discretion with or without motion or notice order the period reduced." Similarly, Del. Bankr. LR

9006-1(e) provides in pertinent part that “[n]o motion will be scheduled on less notice than required by these Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.” Also, Del. Bankr. LR 9006-1 (b) provides that discovery-related motions “shall be filed and served so as to be received at least five (5) days before the hearing date. When such service is made, any objection shall be filed and served so as to be received at least one day preceding the hearing date.”

Furthermore, this Court has previously stated that it prefers to hear and decide discovery disputes apart from scheduled omnibus hearing dates.

Accordingly, the PD Committee files this Motion seeking an Order of this Court for leave of the Scheduling Order and shortening the notice period prescribed by Del. Bankr. LR 9006-1(c) to have the Motion to Compel heard telephonically at a date and time convenient to the Court. The PD Committee also respectfully requests that the Court establish a response deadline of not later than one business day prior to such telephonic hearing.

CAUSE EXISTS TO GRANT THE MOTION

On August 29, 2005, the Court entered the *Case Management Order for the Estimation of Asbestos Property Damage Liabilities* (the "CMO"). The CMO creates two phases in respect of the estimation (the "PD Estimation") of property damage claims. On January 17, 2006, the Court entered an order modifying the CMO to facilitate plan negotiations. As the Court is aware, the parties (even without the 60 day abatement of Phase I discovery) are under very compressed time frames to complete discovery and prepare for the trial.

By way of example, pursuant to the CMO, and among other things, a preliminary pre-trial conference on Phase I is set for April 17, 2006.

Without affording the PD Committee a shortened notice period and expedited telephonic hearing with respect to the Motion to Compel, the PD Committee will be severely prejudiced by the Debtors' refusal to provide the requested documents (as more fully set forth in the Motion to Compel). Such circumstances provide sufficient cause for shorting the notice period requested herein. Indeed, the Court has previously indicated a willingness to hear discovery disputes in this contested matter telephonically and on shortened notice as requested herein.

The PD Committee firmly believes that it is in the best interests of the estate for the Court to schedule an expedited telephonic hearing so that it may hear and rule on the Motion To Compel. This procedure will allow the PD Committee to adequately prepare for the trial of the complex estimation issues that will soon be before the Court.

In light of these circumstances, the PD Committee respectfully submits that: (i) sufficient cause exists for the reduction of the notice period proposed hereby and scheduling an expedited telephonic hearing with regard to the Motion to Compel and; (ii) no party in interest will be prejudiced if the notice period is shortened as requested herein.

WHEREFORE, the PD Committee respectfully requests the entry of an order shortening the time for notice as set forth herein and scheduling an expedited telephonic hearing to resolve the discovery dispute (as set forth in the Motion to Compel) and providing such other and further relief as is just and proper.

Dated: February 16, 2006

FERRY, JOSEPH & PEARCE, P.A.

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